

Independent Review Panel Report on Miami-Dade Police Department Racial Profiling Study Community Meeting

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Independent Review Panel Community Forum Members

**Jorge Reynardus, Esq., Chair
Moiez Tapia, Ph.D.
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Introduction

In 1999 many in Miami-Dade County were concerned about “Racial Profiling” and “Driving While Black.” Many Black citizens felt they were targeted by police officers because of their race, and Black motorists were stopped more often than non-Black drivers.

In 2000, the Board of County Commissioners (BCC) and the Miami-Dade Police Department (MDPD) came out with specific policies regarding racial profiling in traffic stops. The BCC prohibited stops based “primarily” on race. MPDP prohibited stops based “solely” on race.

Subsequently, the BCC contracted the Alpert Group to conduct a study of traffic stops with respect to the race of drivers. The BCC also created a Racial Profiling Advisory Board to participate in all aspects of the study, including public dissemination of findings and implementation of recommendations.

The Alpert Group submitted the Racial Profiling study to MDPD in November 2004, however MDPD did not release the findings until May 2005. The Racial Profiling Advisory Board was not given opportunity to review the report prior to its public release.

The BCC Committee on Community Outreach, Safety & Healthcare Administration (COSHA) deferred consideration of the MDPD Racial Profiling Study because the report did not include input from the Racial Profiling Advisory Board as required by resolution. Commissioner Dr. Barbara Carey-Shuler asked the County Manager to abide by “the process established in the Resolution”.

A Community Forum on the Racial Profiling Study was held on September 8, 2005 at the Joseph Caleb Center. The forum was hosted by the Independent Review Panel and the Miami-Dade County Office of Community Relations, in coordination with the County Manager’s Office. Its purpose was to hear Dr. Alpert’s presentation regarding his study and receive comments from the Advisory Board and the community.

The Community Forum was co-chaired by Jorge Reynardus, Independent Review Panel Chair, and Dr. Franklin Sands, Black Affairs Advisory Board Chair and member of the Community Relations Board. What follows represents observations, findings and recommendations from an Independent Review Panel perspective.

Community Forum Panel Members

Jorge E. Reynardus, Esq.	Chair, Independent Review Panel (IRP)
Dr. Franklin Sands	Miami-Dade County Community Relations Board (CRB) and Chair, Miami-Dade Black Affairs Advisory Board
Dr. Geoffrey Alpert, Ph. D.	Principal Research Investigator, The Alpert Group
Robert Parker	Miami-Dade Police Department (MDPD) Director
Robert W. Holden	MDPD Assistant Director
J.D. Patterson	MDPD Assistant Director
Farzana Tapia	Community Relations Board
Larry Capp, Ph.D.	Office of Community Relations Executive Director
Roger Dunham, Ph.D.	Research Investigator, University of Miami
Bess McElroy	Racial Profiling Advisory Board
Leroy Lashley	Racial Profiling Advisory Board and NAACP
Benjamin Waxman	Racial Profiling Board and ACLU
Moiez Tapia, Ph. D.	Independent Review Panel
Doris Shellow	Independent Review Panel
Eduardo I. Diaz, Ph. D.	Racial Profiling Advisory Board and Independent Review Panel Executive Director

Community Forum Discussion

Dr. Geoffrey Alpert stated that the Racial Profiling Study was limited to the Miami-Dade Police Department and was undertaken to collect and analyze information on the race of drivers detained by officers in discretionary¹ traffic stops. Dr. Alpert reported that no researcher has yet figured out how to get in the mind of the officer to determine why an officer takes action, therefore the study was based on three components to collect information:

1. Trained observers to ride with police officers.
2. Traffic observation: the flow of traffic in Black, non-Black and racially mixed neighborhoods, and
3. Citizen contact cards, completed by the officer initiating the stop.

¹ A discretionary stop is one initiated by the individual police officer based on his/her observation, as opposed to stops which are initiated by radar or check points.

Dr. Alpert reported key findings as follows:

1. There was no consistent targeting of minorities in the traffic stops.
2. There were disparate outcomes of the traffic stops: Race was a factor in what happened after the traffic stop:
 - White and Hispanic motorists were more likely to receive a summons.
 - Black motorists were more likely to receive a verbal warning.
 - Black citizens were arrested more frequently on outstanding warrants; however the decision to arrest is determined by the warrant, not race. An officer must arrest the individual when there is a warrant on that person.
 - Blacks were more likely to have their vehicles towed and record checks conducted.
 - Blacks were substantially more likely to be the subject of Field Interrogation (FI) cards, which document a citizen-police encounter when the citizen raises the officer's suspicion in some way.

Dr. Alpert identified two recommendations for MDPD procedural modifications;

1. That MDPD specify the procedure to complete a FI card more clearly.
2. That MDPD standardize the criteria used by officers to conduct a records check on a motorist.

MDPD Director Robert Parker made comments consistent with MDPD's May 13, 2005 response to the report, which stated in part:

The Department agrees to continue to work to implement the recommendations outlined in the study. Twenty-first century policing modus operandi calls for its body of policing to listen to the needs of its communities and implement positive changes. These recommendations will be reinforced through the different procedures the Department has in place in the form of policy, legal guidelines definitions as it relates to racial profiling, documentation and investigation of abuse where race is used as the decisive factor to target someone, education, training, and appraisal reports.

Director Parker reported that changes have been made to gather more information useful for officer accountability given new technology and software.

Benjamin Waxman stated that he believed there was racial profiling in the Miami-Dade Police Department; however the study did not substantiate the extent to which he believes racial profiling exists. The study results must be reconciled with what people experience.

Dr. Moiez Tapia suggested that technology be put to better use given advances in digital video taping of traffic stops. Dr. Tapia stated that audio recordings in police vehicles could capture verbal communications if video cameras are cost prohibited.

Mr. Reynardus suggested that MDPD conduct record checks on all stops, now that there are computers in most police vehicles.

Dr. Eduardo Diaz advised that the IRP would continue to address disparities as long as Racial Profiling is an issue and that the IRP would monitor MDPD implementation of the Alpert Group recommendations.

Dr. Franklin Sands responded to concerns that many community people who would like to speak on racial profiling were not present at the meeting. He advised that the Black Affairs Advisory Board would put the subject on a subsequent agenda.

Community Forum Comments

Everyone in the audience who wanted to speak was heard and Dr. Alpert addressed their concerns. Some speakers felt the reality of experience on the street was not captured by the study. Others requested the report be written in language understandable to the general public. One suggested at the 8th grade level. One speaker expressed concern about conducting records checks on everyone given the prevalence of “identity theft” and the likelihood that innocent people might suffer as a consequence. The ACLU was critical of how some of the data was presented in the tables and recommended specific changes.

Those who spoke agreed on the need for continued community input on Racial Profiling.

After the meeting, Dr. Alpert told Dr. Capp and Dr. Diaz that he would prepare an “addendum” to the study in response to the community input.

Independent Review Panel Findings:

1. Dr. Alpert’s study was well done and is a major contribution to the academic literature on Racial Profiling.
2. Director Parker was very responsive to the recommendations made by the Alpert Group in the MDPD Racial Profiling Study and to questions posed by panelists and community speakers on September 8, 2005.
3. Limited to discretionary traffic stops, the data does not support a conclusion that there is no racial profiling in the Miami-Dade Police Department.
4. The racial disparity in what happens after the traffic stop is the study finding that most calls for MDPD action.
5. Post stop disparity was also found in a Department of Justice-Bureau of Justice Statistics national survey report: See *Contacts between Police and the Public: Findings from the 2002 National Survey* at: <http://www.ojp.usdoj.gov/bjs/abstract/cpp02.htm>
6. The Racial Profiling Advisory Board completed what it can do given the revolving status of the membership.

Independent Review Panel Recommendations:

1. That Director Parker be commended for his strong showing of determination to the community that the issue of racial disparities is being taken seriously by MDPD.
2. That MDPD address the racial disparity in post stops by immediately implementing record checks on all persons stopped.
3. That MDPD conduct additional research addressing pedestrian stops and stops made by tactical units.
4. That the Racial Profiling Advisory Board be allowed to “sunset”.
5. That the Office of Community Affairs (OCA) continue to provide the community with forums for community input on racial profiling and biased based policing.
6. That the Independent Review Panel (IRP) remain committed to monitoring MDPD implementation of recommendations.